

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TIMOTHY O’SULLIVAN, et al.,

Plaintiffs,

-against-

DEUTSCHE BANK AG, et al.,

Defendants.

17-CV-08709-LTS-GWG

**DECLARATION OF JOHN D. BURETTA IN SUPPORT OF DEFENDANTS’ MOTION  
TO STAY DISCOVERY DURING THE PENDENCY OF MOTIONS TO DISMISS**

I, John D. Buretta, declare as follows:

1. I am a member of Cravath, Swaine & Moore LLP, counsel for Defendant Credit Suisse AG (“Credit Suisse”), and am a member of the Bar of this Court. I respectfully submit this declaration in support of the Moving Defendants’<sup>1</sup> Motion to Stay Discovery During the Pendency of the Motions to Dismiss. I am familiar with the issues raised in this action. Except as otherwise indicated, I have personal knowledge of the facts stated herein.

2. On January 16, 2018, Plaintiffs advised that they would seek discovery before a decision on the motions to dismiss.

3. On January 18, 2018, counsel for Plaintiffs and the Moving Defendants engaged in a telephonic meet and confer. During this telephonic meet and confer, Plaintiffs’

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<sup>1</sup> The “Moving Defendants” are Deutsche Bank AG; HSBC Bank USA, N.A.; HSBC Holdings plc; HSBC Bank plc; HSBC Bank Middle East Limited; HSBC North America Holdings, Inc.; Commerzbank AG; Commerzbank AG, New York Branch; Barclays Bank PLC; BNP Paribas S.A.; Standard Chartered Bank; The Royal Bank of Scotland N.V. (formerly known as ABN AMRO Bank N.V.); The Royal Bank of Scotland plc; Crédit Agricole Corporate & Investment Bank; and Credit Suisse AG.

counsel indicated that a non-exhaustive list of the items as to which they intended to seek discovery included: (i) documents produced by the Moving Defendants to various government agencies in response to subpoenas regarding the conduct alleged in the Complaint; (ii) various policies, procedures and manuals each of the Moving Defendants had in place during the relevant time period, which Plaintiffs assert dates from 2003 to 2011; (iii) corporate organization charts of the Moving Defendants during the relevant time period and (iv) third-party discovery.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 7, 2018 in Osaka, Japan.



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John D. Buretta